**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF NEW YORK**

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DEBORAH LAUFER, Individually,

                          Plaintiff,                      1:19-cv-01324 (BKS/ML)

v.

1110 WESTERN ALBANY, LLC, and RYAN L.L.C.,

                          Defendants.

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**Hon. Brenda K. Sannes, United States District Court Judge:**

**ORDER**

Plaintiff Deborah Laufer, a Florida resident and an individual with a disability, filed this action against Defendants 1110 Western Albany, LLC and Ryan L.L.C., asserting causes of action under the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12181, et seq. and the New York State Human Rights Law ("NYSHRL"), N.Y. Exec. Law § 296(2)(a). (Dkt. No. 1). Plaintiff seeks injunctive relief, damages, and attorney's fees. (*Id.*). Including this action, and *Laufer v. Laxmi & Sons, LLC*, 1:19-cv-01501 (BKS/ML) (filed Dec. 4, 2019), Plaintiff has 29, nearly identical, cases pending against different defendants in the Northern District of New York. *See* Exhibit A.

In every case, the Court must ensure it has subject matter jurisdiction. "[I]n our federal system of limited jurisdiction . . . the court sua sponte, at any stage of the proceedings, may raise the question of whether the court has subject matter jurisdiction." *United Food & Commercial Workers Union v. CenterMark Props. Meriden Square, Inc.*, 30 F.3d 298, 301 (2d Cir. 1994) (internal quotation marks and citation omitted); *see Durant, Nichols, Houston, Hodgson & Cortese-Costa P.C. v. Dupont*, 565 F.3d 56, 62 (2d Cir. 2009) ("If subject matter jurisdiction is

lacking and no party has called the matter to the court's attention, the court has the duty to dismiss the action sua sponte."). *See also* Fed. R. Civ. P. 12(h)(3) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.").

There appears to be a serious question as to whether Plaintiff has established standing, in this, or any of her other cases, and thus whether the Court has subject matter jurisdiction over these actions. *See, e.g.*, *Laufer v. Laxmi & Sons, LLC*, 1:19-cv-01501 (BKS/ML) (Dkt. No. 15, at 7, May 6, 2020) ("There are no facts in the Complaint or Plaintiff's affidavit indicating that she has ever traveled to Rensselaer, New York, or anywhere in New York, or that she has any reason to travel anywhere in New York or any reason to seek lodging anywhere in New York."). Therefore, before taking any further action in this, or any other of Plaintiff's cases, the Court orders Plaintiff to submit a brief in each of the actions listed in Exhibit A, explaining why the complaint should not be dismissed for lack of subject matter jurisdiction. Accordingly, it is

**ORDERED** that the Clerk of the Court is directed to file this Order in each of the cases identified in Exhibit A to this Order; and it is further

**ORDERED** that Plaintiff is directed file briefs in each of the actions listed in Exhibit A, by June 5, 2020, addressing whether she has standing. Plaintiff's briefs should reference the legal issues identified, and caselaw discussed, in the Memorandum-Decision and Order the Court entered in *Laufer v. Laxmi & Sons, LLC*, 1:19-cv-01501 (BKS/ML) (Dkt. No. 15, May 6, 2020), attached hereto. Any response is due by June 19, 2020. And it is further

**ORDERED** that if the action is one in which a motion for default judgment is pending,

Plaintiff is directed to serve a copy of this Order on the defendant(s) and file a certificate of

service by May 19, 2020.

      **IT IS SO ORDERED.**

Dated: May 7, 2020
       Syracuse, New York

                               Brenda K. Sannes
                               U.S. District Judge

## EXHIBIT A

### Docket Numbers

| | |
|---|---|
| 6:19-cv-01432 | 3:20-cv-00323 |
| 1:19-cv-01462 | 1:20-cv-00325 |
| 3:19-cv-01509 | 5:20-cv-00348 |
| 3:19-cv-01557 | 8:20-cv-00350 |
| 3:19-cv-01559 | 3:20-cv-00352 |
| 3:19-cv-01564 | 5:20-cv-00356 |
| 3:19-cv-01581 | 8:20-cv-00357 |
| 5:19-cv-01583 | 8:20-cv-00376 |
| 5:19-cv-01585 | 3:20-cv-00378 |
| 5:19-cv-01586 | 5:20-cv-00379 |
| 5:20-cv-00273 | 3:20-cv-00383 |
| 3:20-cv-00275 | 8:20-cv-00384 |
| 3:20-cv-00280 | 3:20-cv-00407 |
| 3:20-cv-00281 | |